

JOURNAL OF THE HOUSE

First Regular Session, 93rd GENERAL ASSEMBLY

THIRTEENTH DAY, THURSDAY, JANUARY 27, 2005

The House met pursuant to adjournment.

Speaker Pro Tem Bearden in the Chair.

Prayer by Father David Buescher.

God of grace and understanding, our representatives have heard our Governor speak, and should now focus on the process of assessing the present and legislating for the future.

Give these men and women spirit and insight to make the decisions which will concern our citizens. With minds and hearts of muscle and devotion, help them work today to try to realize their dreams and goals for this state. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Clara Diaz, Abby Best, Cole Thurman, Travis Redding and Robert Browning.

The Journal of the twelfth day was approved as printed by the following vote:

AYES: 156

| | | | | |
|---------------|------------|-----------------|------------|----------------|
| Aull | Baker 123 | Baker 25 | Barnitz | Bean |
| Bearden | Behnen | Bivins | Black | Bowman |
| Bringer | Brooks | Brown 30 | Brown 50 | Bruns |
| Burnett | Byrd | Chappelle-Nadal | Casey | Chinn |
| Cooper 120 | Cooper 155 | Cooper 158 | Corcoran | Cunningham 145 |
| Cunningham 86 | Curls | Darrough | Daus | Davis |
| Day | Deeken | Dempsey | Denison | Dethrow |
| Dixon | Donnelly | Dougherty | Dusenberg | El-Amin |
| Emery | Ervin | Faith | Fares | Fisher |
| Flook | Franz | Fraser | George | Goodman |
| Guest | Harris 110 | Harris 23 | Haywood | Henke |
| Hobbs | Hoskins | Hubbard | Hughes | Hunter |
| Ice | Jackson | Johnson 47 | Johnson 61 | Johnson 90 |
| Jolly | Jones | Kelly | Kingery | Kratky |
| Kraus | Kuessner | Lager | Lampe | Lembke |
| LeVota | Liese | Lipke | Loehner | Low 39 |
| Lowe 44 | Marsh | May | McGhee | Meadows |
| Meiners | Moore | Munzlinger | Muschany | Myers |
| Nance | Nieves | Nolte | Oxford | Parker |
| Parson | Pearce | Phillips | Pollock | Portwood |
| Pratt | Quinn | Rector | Richard | Roark |
| Robb | Robinson | Roorda | Rucker | Ruestman |

| | | | | |
|------------|------------|-----------|--------------|------------|
| Rupp | Salva | Sander | Sater | Schaaf |
| Schad | Schlottach | Schneider | Schoemehl | Selby |
| Self | Shoemyer | Smith 118 | Smith 14 | Spreng |
| Stefanick | Stevenson | St. Onge | Storch | Sutherland |
| Swinger | Threlkeld | Tilley | Viebrock | Villa |
| Wagner | Wallace | Walsh | Walton | Wasson |
| Wells | Weter | Whorton | Wildberger | Wilson 119 |
| Wilson 130 | Witte | Wood | Wright-Jones | Wright 137 |
| Wright 159 | Yaeger | Yates | Young | Zweifel |
| Mr Speaker | | | | |

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

| | | | | |
|-------|-------|---------|------|--------|
| Avery | Bland | Boykins | Page | Skaggs |
| Vogt | | | | |

VACANCIES: 001

HOUSE RESOLUTIONS

Representative Cooper (158) offered House Resolution No. 282.
Representative Kingery offered House Resolution No. 298.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

| | | |
|--------------------------|---|-------------------------------------|
| House Resolution No. 274 | - | Representative Jackson |
| House Resolution No. 275 | - | Representative Munzlinger |
| House Resolution No. 276 | | |
| and | | |
| House Resolution No. 277 | - | Representative Wildberger |
| House Resolution No. 278 | - | Representative Villa |
| House Resolution No. 279 | - | Representative Fares |
| House Resolution No. 280 | - | Representative Rector |
| House Resolution No. 281 | - | Representative Cooper (158) |
| House Resolution No. 283 | - | Representatives Dusenberg and Pratt |
| House Resolution No. 284 | | |
| and | | |
| House Resolution No. 285 | - | Representative Dusenberg |
| House Resolution No. 286 | | |
| through | | |
| House Resolution No. 297 | - | Representative Pearce |
| House Resolution No. 299 | - | Representative Cooper (158) |
| House Resolution No. 300 | - | Representative Lager |
| House Resolution No. 301 | - | Representative May |

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 11 was read the second time.

SECOND READING OF HOUSE BILLS

HB 324 through **HB 363** were read the second time.

HOUSE RESOLUTION

HR 241, relating to Ethics Committee Rules of Procedure, was taken up by Representative Dempsey.

On motion of Representative Dempsey, **HR 241** was adopted by the following vote:

AYES: 155

| | | | | |
|---------------|------------|--------------|-----------------|----------------|
| Aull | Baker 123 | Baker 25 | Barnitz | Bean |
| Bearden | Behnen | Bivins | Black | Bland |
| Bowman | Bringer | Brooks | Brown 30 | Brown 50 |
| Bruns | Burnett | Byrd | Chappelle-Nadal | Casey |
| Chinn | Cooper 155 | Cooper 158 | Corcoran | Cunningham 145 |
| Cunningham 86 | Curls | Darrough | Davis | Day |
| Deeken | Dempsey | Denison | Dethrow | Dixon |
| Donnelly | Dougherty | Dusenberg | El-Amin | Emery |
| Ervin | Faith | Fares | Fisher | Flook |
| Franz | Fraser | George | Goodman | Guest |
| Harris 110 | Harris 23 | Haywood | Henke | Hobbs |
| Hoskins | Hubbard | Hughes | Hunter | Icet |
| Jackson | Johnson 47 | Johnson 61 | Johnson 90 | Jolly |
| Jones | Kelly | Kingery | Kratky | Kraus |
| Kuessner | Lager | Lampe | Lembke | LeVota |
| Liese | Lipke | Loehner | Low 39 | Lowe 44 |
| Marsh | May | McGhee | Meadows | Meiners |
| Moore | Munzlinger | Muschany | Myers | Nance |
| Nieves | Nolte | Oxford | Parker | Parson |
| Pearce | Phillips | Pollock | Portwood | Pratt |
| Quinn | Rector | Richard | Roark | Robb |
| Robinson | Roorda | Rucker | Ruestman | Rupp |
| Salva | Sander | Sater | Schaaf | Schad |
| Schlottach | Schneider | Schoemehl | Selby | Self |
| Shoemyer | Smith 118 | Smith 14 | Spreng | Stefanick |
| Stevenson | St. Onge | Storch | Sutherland | Swinger |
| Threlkeld | Tilley | Viebrock | Villa | Wagner |
| Wallace | Walsh | Walton | Wasson | Wells |
| Weter | Whorton | Wildberger | Wilson 119 | Wilson 130 |
| Witte | Wood | Wright-Jones | Wright 137 | Wright 159 |
| Yaeger | Yates | Young | Zweifel | Mr Speaker |

NOES: 001

Daus

PRESENT: 000

ABSENT WITH LEAVE: 006

Avery
Vogt

Boykins

Cooper 120

Page

Skaggs

VACANCIES: 001

REFERRAL OF HOUSE BILLS

HB 27 – Crime Prevention and Public Safety
HB 37 – Ways and Means
HB 39 – Elementary and Secondary Education
HB 41 – Health Care Policy
HB 44 – Elections
HB 46 – Local Government
HB 49 – Judiciary
HB 50 – Judiciary
HB 52 – Ways and Means
HB 53 – Transportation
HB 54 – Ways and Means
HB 56 – Professional Registration and Licensing
HB 57 – Crime Prevention and Public Safety
HB 58 – Local Government
HB 59 – Professional Registration and Licensing
HB 61 – Professional Registration and Licensing
HB 64 – Ways and Means
HB 65 – Ways and Means
HB 66 – Elections
HB 72 – Local Government
HB 73 – Elementary and Secondary Education
HB 74 – Crime Prevention and Public Safety
HB 75 – Small Business
HB 76 – Local Government
HB 77 – Workforce Development and Workplace Safety
HB 81 – Elementary and Secondary Education
HB 82 – Health Care Policy
HB 86 – Insurance Policy
HB 87 – Elementary and Secondary Education
HB 88 – Insurance Policy
HB 90 – Elementary and Secondary Education
HB 92 – Ways and Means
HB 93 – Workforce Development and Workplace Safety
HB 96 – Insurance Policy
HB 97 – Crime Prevention and Public Safety
HB 98 – Workforce Development and Workplace Safety
HB 99 – Judiciary

HB 103 – Higher Education
HB 104 – Local Government
HB 107 – Elections
HB 109 – Professional Registration and Licensing
HB 111 – Ways and Means
HB 114 – Local Government
HB 120 – Transportation
HB 121 – Crime Prevention and Public Safety
HB 125 – Transportation
HB 126 – Crime Prevention and Public Safety
HB 127 – Local Government
HB 132 – Transportation
HB 133 – Local Government
HB 135 – Job Creation and Economic Development
HB 137 – Judiciary
HB 141 – Senior Citizen Advocacy
HB 142 – Professional Registration and Licensing
HB 145 – Elementary and Secondary Education
HB 147 – Transportation
HB 150 – Ways and Means
HB 152 – Elections
HB 153 – Elementary and Secondary Education
HB 155 – Transportation
HB 156 – Crime Prevention and Public Safety
HB 158 – Job Creation and Economic Development
HB 166 – Conservation and Natural Resources
HB 170 – Local Government
HB 173 – Elementary and Secondary Education
HB 175 – Professional Registration and Licensing
HB 177 – Crime Prevention and Public Safety
HB 178 – Judiciary
HB 180 – Local Government
HB 181 – Ways and Means
HB 182 – Professional Registration and Licensing
HB 185 – Veterans
HB 188 – Crime Prevention and Public Safety
HB 189 – Crime Prevention and Public Safety
HB 193 – Judiciary
HB 194 – Ways and Means
HB 196 – Crime Prevention and Public Safety
HB 200 – Local Government
HB 201 – Transportation
HB 205 – Children and Families
HB 207 – Workforce Development and Workplace Safety
HB 208 – Judiciary
HB 209 – Ways and Means

HB 211 – Agriculture Policy
HB 215 – Local Government
HB 218 – Transportation
HB 219 – Administration and Accounts
HB 221 – Ways and Means
HB 222 – Ways and Means
HB 225 – Judiciary
HB 226 – Job Creation and Economic Development
HB 227 – Job Creation and Economic Development
HB 230 – Senior Citizen Advocacy
HB 231 – Senior Citizen Advocacy
HB 234 – Judiciary
HB 235 – Ways and Means
HB 245 – Conservation and Natural Resources
HB 250 – Local Government
HB 251 – Elementary and Secondary Education
HB 253 – Local Government
HB 254 – Transportation
HB 256 – Ways and Means
HB 257 – Ways and Means
HB 260 – Local Government
HB 261 – Retirement
HB 262 – Transportation
HB 263 – Retirement
HB 264 – Higher Education
HB 267 – Agriculture Policy
HB 269 – Judiciary
HB 270 – Judiciary
HB 273 – Workforce Development and Workplace Safety
HB 279 – Judiciary
HB 284 – Local Government
HB 292 – Utilities
HB 293 – Ways and Means
HB 300 – Professional Registration and Licensing

COMMITTEE REPORT

Committee on Elections, Chairman May reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **SB 176**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

HJR 12, introduced by Representatives Bearden, Lager, Roark, Goodman, Baker (123), Munzlinger, Schneider, Bivins, Myers, Phillips, Stefanick, Wasson, Wood, Sander, Dixon, Icet, Davis, Cunningham (86), Sutherland, Ervin, Ruestman, Stevenson, Brown (30), Threlkeld, Myers, Smith (14), Goodman, Moore, Hunter, Emery, Cooper (155) and Dusenberg, relating to limits on state appropriations.

HJR 13, introduced by Representatives Portwood and Lembke, relating to property exempt from taxation.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 364, introduced by Representatives Myers, Stevenson and Sutherland, relating to taxation of modular units.

HB 365, introduced by Representatives Munzlinger, Jones, Parson, Barnitz, Bringer, Dougherty, Kuessner, Henke, Ervin, Hobbs, Myers, Nieves, Davis (19), Dusenberg, Jetton, Smith (118), Sater, Wells, Pearce, Witte, Whorton, Shoemyer, Salva, Robinson, Schad, Wasson, Guest, Schlottach, Sutherland, Wilson (119), Jackson, Emery, Black, Lipke, Lembke, Ruestman, Goodman, Bearden, Moore, Day, Behnen, Richard, Cooper (120), Sander, Harris (110), Cunningham (86), Self, Kingery, Rector, May and McGhee, relating to the county sheriff's revolving fund.

HB 366, introduced by Representatives Munzlinger, Sander, Day, Whorton, Pearce, Weter, Myers, Loehner, Harris (110), Moore, Sutherland, Behnen and Hunter, relating to landowner liability.

HB 367, introduced by Representatives Munzlinger, Sander, Moore, Myers and Behnen, relating to agricultural production.

HB 368, introduced by Representatives Munzlinger, Brown (30), Myers, Swinger, Dougherty, Sander, Whorton, Hobbs, Dethrow, Sater, Wilson (119) and Darrough, relating to biodiesel fuel.

HB 369, introduced by Representatives Munzlinger, Myers, Sander and Moore, relating to the agricultural product utilization contributor tax credit.

HB 370, introduced by Representatives Munzlinger, Hunter, Quinn, Sander and Darrough, relating to the designation of a state poem.

HB 371, introduced by Representatives Smith (118), Sater, Walton, Ervin, Moore, Threlkeld, Parson, Pearce, Cunningham (86), Zweifel, Hunter, Bruns, Whorton, Myers, Brown (30), Sander, Icet, Denison, Rupp, Yaeger, Franz, Oxford, Hobbs, Quinn and Munzlinger, relating to the administrative law judges and legal advisors retirement system.

HB 372, introduced by Representatives Darrough, Corcoran, Kuessner, Aull, Liese, Chappelle-Nadal, Young, Hoskins and George, relating to rebates.

HB 373, introduced by Representatives Fares, Sutherland, Bivins, St. Onge, Schlottach and Schoemehl, relating to the senior citizens' homestead tax relief act.

HB 374, introduced by Representatives Villa, Wright-Jones, Kratky, Daus, Storch, Oxford, Johnson (61), Donnelly and Hubbard, relating to the state highways and road system.

HB 375, introduced by Representatives Nance, Aull, Day, McGhee, Wells, Cooper (120), Fisher, Jones and Parson, relating to the Congressman Ike Skelton Bridge.

HB 376, introduced by Representatives Guest, Myers, Hunter, Dethrow, Kelly, Black, Moore and Munzlinger, relating to concentrated animal feeding operations.

HB 377, introduced by Representatives Wilson (119), Wallace, Wood, Loehner, Bivins, Franz, Chinn, Nolte, Roark, Dixon, Cunningham (145), Munzlinger, Parson, Pollock, Brown (30), Lipke, Guest, Emery, Dethrow, Hobbs, Richard, Ervin, Icet, Wasson, Wilson (130), Denison, Smith (118), Sander, Myers, Pearce, Sater, Wells, Robb, Day, Weter, Fisher, Wright (159), Rector, Meadows, Yaeger, Harris (110), Low (39), Jones, Schad, Sutherland, Schlottach, Darrough, Corcoran, Dougherty, Hubbard, Schaaf, Kingery, Page, Dusenberger, Self, Smith (14), Viebrock, Ruestman, Quinn, Behnen, Bean, Cooper (155), Shoemyer, Johnson (47), Cunningham (86) and Moore, relating to automatic renewal of driver's licenses.

HB 378, introduced by Representative Cooper (120), relating to school district tuition adjustments.

HB 379, introduced by Representative Cooper (120), relating to compensation for financial institution regulators.

HB 380, introduced by Representatives Walton, Oxford, Rupp, Hunter, Brown (30), Quinn, Viebrock, Stevenson and Portwood, relating to fire protection districts.

HB 381, introduced by Representatives Walton, Oxford, Wildberger, Rupp, Hunter, Brown (30), Quinn, Viebrock, Stevenson, Portwood, Boykins and Rucker, relating to fire protection districts.

HB 382, introduced by Representatives George, Lowe (44) and Walsh, relating to prevailing wages on public works.

HB 383, introduced by Representatives Pratt, Wright-Jones and Schneider, relating to sovereign immunity.

HB 384, introduced by Representatives Shoemyer, Henke, Kuessner, Harris (110), Harris (23), LeVota, Whorton, Liese, Jetton, Parker, Corcoran, Burnett, Young, Robinson, Fraser, Donnelly, Wright-Jones, Boykins, Haywood, Curls, Goodman, Barnitz, Skaggs, Baker (25), Kratky, Villa, Meadows, Jolly, Darrough, Witte, Swinger, Roorda, Storch, Salva, Chappelle-Nadal, El-Amin, Low (39), Johnson (47), Smith (118), Schaaf, Black, Wood, Wilson (119), Nolte, Faith, Schlottach, Barnitz, Quinn and Brown (50), relating to anhydrous ammonia.

HB 385, introduced by Representative Cooper (158), relating to the designation of a memorial bridge.

HB 386, introduced by Representative Cooper (158), relating to the designation of Ronald Reagan Day in Missouri.

HB 387, introduced by Representatives Byrd, Burnett and Goodman, relating to the dry-cleaning environmental response trust.

HB 388, introduced by Representative Yates, relating to insurance compliance audits.

HB 389, introduced by Representatives Harris (23), Witte, Roorda, Jolly, Lampe, Baker (25), Oxford, Henke, LeVota, Barnitz, Whorton, Shoemyer, Liese, Storch, Fraser, Schoemehl, Rucker, Robinson, Burnett, Aull, Meadows, Brown (50), Casey, Wildberger, Hubbard, Walsh, Curls, Skaggs, Corcoran, Kuessner, Meiners, Harris (110), George, Sanders Brooks, Page, Yaeger, Young, Walton, Daus, Darrough, Kratky, Hoskins, Zweifel, Donnelly, Chappelle-Nadal, Vogt, Bowman, Wagner, Johnson (61), Swinger, Bland, Haywood, Bringer, Salva, Hughes, Johnson (90), Villa, Boykins, Lowe (44), Selby, El-Amin, Low (39) and Spreng, relating to endangering the welfare of a child in the first degree.

HB 390, introduced by Representatives Harris (23), Walton, Harris (110), Oxford, LeVota, Lampe, Yaeger, Johnson (90), Storch, Burnett, Salva, Aull, Roorda, Meadows, Casey, Witte, Villa, Fraser, Donnelly, Wright-Jones, Zweifel, Sater, Jolly, Brown (50), George, Schoemehl, Wagner, Johnson (61), Meiners, Baker (25), Shoemyer, Daus, Haywood, Kratky, Bland, Wildberger, Liese, Schneider, Page, Hubbard, Spreng, Hoskins, Rucker, Robinson, Bowman, Kuessner, Swinger, Walsh, Henke, Selby, Darrough and Robb, relating to unlawful transactions with a child.

WITHDRAWAL OF HOUSE BILL

January 27, 2005

Steve Davis, Chief Clerk
House of Representatives
State Capitol Building
Jefferson City, MO 65101-6806

Dear Mr. Davis:

I would like to withdraw **House Bill No. 310** to be submitted at a later date.

Sincerely,

/s/ Kevin Wilson
State Representative
District 130

The following members' presence was noted: Boykins and Vogt.

ADJOURNMENT

On motion of Representative Dempsey, the House adjourned until 4:00 p.m., Monday, January 31, 2005.

COMMITTEE MEETINGS

AGRICULTURE POLICY

Tuesday, February 1, 2005, 12:00 p.m. Hearing Room 1.
Public hearing to be held on: HB 191

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, February 1, 2005, 8:00 a.m. Hearing Room 4.
Overviews Department of Conservation and Department of Agriculture.

APPROPRIATIONS - EDUCATION

Tuesday, February 1, 2005, 8:00 a.m. Hearing Room 1.
Organizational meeting.

APPROPRIATIONS - EDUCATION

Tuesday, February 1, 2005, 2:45 p.m. Hearing Room 1.
Presentation from Department of Elementary and Secondary Education.

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, February 1, 2005, 8:00 a.m. Hearing Room 7.
Organizational meeting as well as reviewing proposed budgets from office of Governor and Lt. Governor.

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, February 1, 2005, 8:00 a.m. Hearing Room 3.
Public testimony and discuss organizational issues.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 1, 2005, 8:00 a.m. Hearing Room 6.
Organizational meeting.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 1, 2005, 8:00 a.m. Hearing Room 5.
Department overviews will begin promptly at 8:00 a.m.

CONSERVATION AND NATURAL RESOURCES

Wednesday, February 2, 2005, 6:00 p.m. Hearing Room 1.
Public testimony from the Department of Conservation.

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, February 1, 2005, 6:00 p.m. Hearing Room 1.
Executive session may follow.
Public hearing to be held on: HB 272

ELECTIONS

Tuesday, February 1, 2005, 6:00 p.m. Hearing Room 5.
Introductory meeting with representatives from Secretary of
State Election Division, Ethics and County Clerks.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 2, 2005, 8:00 a.m. Hearing Room 3.
Executive session may follow.
Public hearings to be held on: HB 172, HB 276, HB 297

FISCAL REVIEW

Wednesday, February 2, 2005, 3:00 p.m. Hearing Room 6.
Organizational meeting.

HIGHER EDUCATION

Tuesday, February 1, 2005, 12:00 p.m. Hearing Room 4.
Public hearing to be held on: HB 220

RULES

Monday, January 31, 2005, 2:00 p.m. Hearing Room 1.
Executive session will follow.
Public hearing to be held on: SB 176

TRANSPORTATION

Wednesday, February 2, 2005, 8:00 a.m. Hearing Room 1.
Public hearings to be held on: HB 43, HB 62, HB 154, HB 210, HB 243

VETERANS

Wednesday, February 2, 2005, 8:00 a.m. Hearing Room 5.
Executive session may follow.
Public hearings to be held on: HB 94, HB 119, HB 162, HB 163, HB 213, HB 216

HOUSE CALENDAR

FOURTEENTH DAY, MONDAY, JANUARY 31, 2005

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 12 and HJR 13

HOUSE BILLS FOR SECOND READING

HB 364 through HB 390